

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 16, 2005. Claims 1-13 and 30-33 were pending in the Application. In the Office Action, Claims 20-29 were rejected, and Claim 1-13 and 30-33 were withdrawn from consideration. In order to expedite prosecution of this Application, Applicant amends Claims 20 and 25, and cancels without prejudice or disclaimer Claims 1-13 and 30-33. Thus, Claims 20-29 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

RESTRICTION/ELECTION

Applicant confirms the election of claims 1-13 and 30-33 for examination in response to the Examiner's restriction and request for election. Claims 1-13 and 30-33, treated by the examiner as having been withdrawn, have been canceled without prejudice or disclaimer, and Applicant explicitly reserves the right to further prosecute Claims 1-13 and 30-33 in divisional applications.

SECTION 102 REJECTIONS

Claims 20-29 were rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent No. 7-21820 issued to Toshiba Lighting & Technol Corp. (hereinafter "*Toshiba*"). Claims 20-29 were also rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,635,858 issued to Spears (hereinafter "*Spears*"). Applicant respectfully traverse these rejections.

Spears Reference

Applicant respectfully submits that the *Spears* reference does not qualify as prior art under Section 102(e) because the inventor of the *Spears* reference, Kurt E. Spears, is also the inventor of the present Application. Accordingly, the *Spears* reference is not a "patent granted on an application for patent by another" as is required by 35 U.S.C. § 102(e) (emphasis added). Therefore, no *prima facie* rejection has been made regarding the *Spears*

reference. By making this choice, Applicant does not admit the accuracy of the Examiner's remarks or reasoning or acquiescing in any way to the reasoning underlying the rejection.

Toshiba Reference

Of the rejected claims, Claims 20 and 25 are independent. Applicant respectfully submits that *Toshiba* does not disclose or even suggest each and every limitation of amended Claims 20 and 25. For example, Applicant respectfully submits that *Toshiba* does not disclose or even suggest a linear tube having a continuous, non-uniform distribution of a luminescent substance disposed thereon "to produce a non-uniform radiation intensity profile along a length of the linear tube" as recited by amended Claims 20 and 25. To the contrary, *Toshiba* appears to teach the opposite ("Thereby, a phenomenon that brightness is reduced since electronic energy in the bulb 12 is attenuated as a position becomes more distant from the external electrode 13, can be compensated by increasing the film thickness of the phosphor film 14. Thereby, brightness can be uniformized almost over an entire length in the axial direction of the bulb 12." (*Toshiba*, abstract)(emphasis added)). Thus, for at least this reason, Applicant respectfully submits that *Toshiba* does not anticipate amended Claims 20 and 25.


Claims 21-24 and 26-29 that depend respectively from independent Claims 20 and 25 are also not anticipated by *Toshiba* at least because they incorporate the limitations of respective Claims 20 and 25 and, also, they add additional elements that further distinguish *Toshiba*. Therefore, Applicant respectfully requests that the rejection of Claims 21-24 and 26-29 be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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